

JS - 6

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

KEVIN BERNSTEIN,

Plaintiff,

vs.

CITY OF LOS ANGELES;
HUMBERTO FAJARDO, MICHAEL
FESPERMAN, JOHN
DOERBECKER, JEFF WACO and
DOES 1 through 25,

Defendants

CASE NO.: CV09-08617 DDP (AGR_x)

Assigned to: Honorable Dean D. Pregerson
Courtroom: 3 - 2nd Floor

Assigned to: Magistrate Alicia G. Rosenberg
Courtroom: D - 8th Floor

**JUDGMENT ON SPECIAL
VERDICT**

On July 26, 2011, the foregoing matter was called for trial in Courtroom 3 of the United States District Court. The parties answered ready for Trial. On July 26, 2011, a panel of jurors was called and sworn.

The case was tried to the jury and on August 2, 2011, the case was then submitted to the jury for deliberation.

On August 3, 2011, the jury returned a unanimous verdict as follows:

We, the jury in the above-entitled action, render the following findings of facts as to the issues submitted to us:

Question No. 1: Was Plaintiff Kevin Bernstein unlawfully arrested for attempted murder without probable cause?

YES _____ NO ✓ _____

If you answered "yes" please proceed to Question No. 2. If you answered "no", proceed to Question No. 3.

Question No. 2: Please place a check mark next to the name of each Defendant who either unlawfully arrested Plaintiff Kevin Bernstein, or caused Plaintiff Kevin Bernstein to be unlawfully arrested.

Defendant Fajardo _____

Defendant Doerbecker _____

Defendant Waco _____

Please proceed to Question 3.

Question No. 3: Did Defendants subject Plaintiff Kevin Bernstein to malicious prosecution?

YES _____ NO ✓ _____

- If you answered "yes," please proceed to Question No. 4

-If you answered "no" to Question No. 3, but answered "yes" to Question NO. 1, please proceed to Question No. 5.

-If you answered "No" to both Question Nos. 1 and 3, please sign, date, and return this verdict form.

Question No. 4: Please place a check mark next to the name of each Defendant who caused the malicious prosecution of Plaintiff Kevin Bernstein.

1 Defendant Fajardo _____

2 Defendant Doerbecker _____

3 Defendant Waco _____

4
5 Please proceed to Question 5.

6
7 **Question No. 5** Did a practice or custom of the City of Los Angeles cause a
8 violation of Kevin Bernstein's constitutional rights?

9
10 YES _____ NO _____

11
12 If you answered "yes" to Questions 1, 3 or 5, please proceed to Question
13 No. 6. If you answered "no" to Questions 1, 3 and 5, please sign and date
14 this form.

15
16 **Question No. 6:** Did any conduct about which you answered "yes" above, cause
17 plaintiff Kevin Bernstein to suffer injury or damages?

18
19 YES _____ NO _____

20
21 If you answered "yes" please proceed to Question No. 7.

22
23 **Question No. 7:** Please state the total amount of damages you award to plaintiff
24 Kevin Bernstein.

25 \$ _____

26
27 Please proceed to Question No. 8.

Question No. 8: Do you find by a preponderance of the evidence that the conduct of any defendant which caused injury or damage to plaintiff Kevin Bernstein was malicious, oppressive, or in reckless disregard of plaintiff Kevin Bernstein's rights?

YES _____ NO _____

If you answered "yes" proceed to Question No. 9. If you answered "no", please sign and date this form.

Question No. 9: Please place a check mark next to the name of each defendant whose conduct you find to be malicious, oppressive, or in reckless disregard of plaintiff Kevin Bernstein's rights.

Defendant Fajardo _____
Defendant Doerbecker _____
Defendant Waco _____

Dated: August 3, 2011


REDACTED VERDICT FORM AS TO
FOREPERSON SIGNATURE
FOREPERSON

ORDER

Therefore, IT IS HEREBY ORDERED, DECREED AND ADJUDGED that judgment on the merits be entered in favor of Defendants, **CITY OF LOS ANGELES, JOHN DOERBECKER, JEFFREY WACO and HUMBERTO FAJARDO**, and against Plaintiff, **KEVIN BERNSTEIN**, that the Plaintiff take nothing; and that the Defendants **CITY OF LOS ANGELES, JOHN DOERBECKER, JEFFREY WACO, and HUMBERTO FAJARDO**, as the

1 prevailing parties, shall be entitled to recover their costs reasonably incurred in
2 defense of this action.

3
4
5 Dated: August 4, 2011

6
7 
8 Honorable Dean D. Pregerson
9 United States District Judge
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28